

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LESLIE JONES,

Plaintiff,

Case No. 2:04-cv-01933 ALA (P)

vs.

LIEUTENANT E. SANDY, et al.,

Defendants.

ORDER

Plaintiff Leslie Jones ("Jones") is proceeding *pro se* and *in forma pauperis* in the civil rights action pursuant to 42 U.S.C. § 1983. Before this Court is Jones's "Motion Requesting Access to Trial Witnesses." (Doc. 135.)

The trial in this action is scheduled for December 9, 2008 at 9 a.m. (Doc. 130 at 10.) On September 8, 2008, the Court granted in part Jones's motion for the attendance of incarcerated witnesses at trial. (Doc. 124.) The Court issued writs ad testificandum for inmate Joe M. Tyes (Doc. 132) and inmate Clifford Locklear (Doc. 133). Jones now claims that although he, Tyes, and Locklear are housed at California Department of Corrections and Rehabilitation ("CDCR"), CSP-Solano, Jones "has no way or access to these inmate witnesses" who are housed on different floors. (Doc. 135 at 1.) Jones also asserts that the CDCR does not have a known procedure in place for interviewing incarcerated witnesses before trial and that "several CDCR counselors" have told Jones that he can only interview Tyes and Locklear pursuant to a court

1 order (Doc. 135 at 2).

2 Defendant is hereby ORDERED to respond to Jones's motion (Doc. 135) by Monday,
3 November 10, 2008. In particular, Defendant should address: (1) Jones's contention that he has
4 "no way or access" to inmates Tyes and Locklear; (2) whether there is a CDCR procedure in
5 place for an incarcerated *pro se* plaintiff to interview incarcerated witnesses before trial; and (3)
6 whether Jones can only interview Tyes and Locklear pursuant to a court order.

7 ////

8 DATED: November 1, 2008

9 _____
10 /s/ Arthur L. Alarcón
11 UNITED STATES CIRCUIT JUDGE
12 Sitting by Designation
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28